

# **EXHIBIT A**

**Guardian v. Dell et al.: Status of Defendants as of 6/21/05****Defendants who have moved to stay:**

<u>Defendant</u>	<u>Date Motion Filed</u>	<u>Date Response Due</u>	<u>Date Reply Due</u>
1. Dell	6/7/05	6/21/05	6/28/05
2. Gateway	6/8/05	6/22/05	6/29/05
3. Lite-On Tech. Lite-On, Inc.	6/10/05	6/24/05	7/1/05
4. Tatung Tatung of America	6/14/05	6/28/05	7/6/05
5. Jean	6/14/05	6/28/05	7/6/05
6. Hewlett-Packard	6/17/05	7/1/05	7/11/05
7. TPV Tech. TPV Int'l (USA) Envision Peripherals AOC Int'l	6/20/05	7/5/05	7/12/05
8. MAG Tech. MAG Tech. USA	Anticipated 6/21/05	Anticipated 7/6/05	Anticipated 7/13/05
9. Proview Int'l Proview Tech. Proview Electronics	Anticipated 6/21/05	Anticipated 7/6/05	Anticipated 7/13/05

**Defendants who have settled:**

10. AU Optronics  
AU Optronics America
11. BenQ Corp.  
BenQ America Corp.
12. Chi Mei Optoelectronics
13. Delta Electronics  
Delta Products  
Delta Electronics (Thailand)

**Other Defendants:**

14. Acer  
Acer America
15. BOE HYDIS Tech. Co.  
BOE HYDIS America
16. Chunghwa Picture Tubes
17. Compal Electronics
18. Hannstar Display
19. Quanta Display

# **EXHIBIT B**

## DisplaySearch

KEY:

LCD Manufacturer

OEM

Reseller

## Q204 Monitor Value Chain Spreadsheet

Monitor OEM Maker	NEC PC	NEC - MITSUBISHI	FUJITSU	SONY	EIZO NANA-O	HITACHI	SHARP	SAMSUNG	LGE	Cornea	IMAG- EQUEST	IMRI	PHILIPS	BENQ	AMT-RAN	CORETRONIC	TATUNG	COMPAL	LITEON	DELTA	Techni- view	CMV	J-EAN	AOC	SAMP-O	PROVIE- W	GVI-SION	NEXGEN	TAI-WAN OTHERS	W- OTHERS	TOTAL	
ADI				11.3	13.0										5.0									2.0							31.3	
Fujitsu			9.7		15.0				5.0					2.0	49.5	12.0		1.0	10.0	13.0	3.0	5.0		5.0		5.0					135.2	
Hitachi		1.0		20.0	18.0			4.0							15.0		10.0													2.0	70.0	
NEC	13.5	21.5																						12.0							47.0	
Sharp							25.0	10.0							5.0									5.0	10.0					8.0	63.0	
Torisan								92.0										5.0						15.0		10.0				3.0	125.0	
BOE_Hydis							10.0	7.6	5.0		5.0	15.1						20.0	25.0		5.0			40.0		10.0				4.1	146.8	
LG_Philips		37.5			16.0	1.0	10.0		450.0	1.0	50.0	5.0	276.5	143.5	15.5	3.0		22.0	35.0	5.5	33.5			115.0	10.5	5.0			20.5	26.0	1282.0	
Samsung	4.0	20.0	25.0	25.0			7.0	580.0		18.0	54.0	6.0		113.0	28.0	10.0	5.0	34.0	190.0	10.0			3.0	191.0	4.0	50.0	15.0		20.0	56.0	1468.0	
AU_Optronics			27.0					30.0	15.0				8.0	357.0	20.0	51.0	5.0	35.0	145.0	10.0	5.0			94.0	24.0	70.0	21.0		26.7	16.7	960.3	
Chi Mei								26.0	8.0					13.0	25.0	20.0	35.0		50.0	21.0		30.0		17.0		25.7	7.0	238.0	10.0	6.0	531.7	
IDTech					1.0										10.0														2.5	0.9	14.4	
CPT		25.0						30.0	22.0				33.0	55.0	15.0	16.0	125.0	15.0	75.0		22.0		125.0	190.0		35.0			32.3		815.3	
HannStar									20.0				12.0			3.0		30.0	20.0		5.0			345.0	5.0				49.0		489.0	
Innolux																													5.0	1.0	6.0	
QDI		13.0											90.0						65.0		25.0			45.0		5.0			54.7		297.7	
Toppoly																		10.0											5.0		15.0	
TFT-LCD Supplier TOTAL	17.5	118.0	61.7	56.3	63.0	1.0	52.0	779.6	525.0	19.0	109.0	26.1	419.5	683.5	188.0	115.0	180.0	172.0	615.0	59.5	98.5	35.0	128.0	1076.0	53.5	215.7	43.0	238.0	225.7	123.7	6497.7	
NEC	13.8																38.5							6.4							58.7	
NMV		98.9													12.0			38.0	40.0					27.0							215.9	
Fujitsu			48.5												2.0									5.0							55.5	
Samsung								485.6																							485.6	
Sony				46.0					70.8						38.0																222.8	
Dell								134.2	33.3				10.0	252.3					269.3						179.3						878.4	
HP													93.5	80.0		33.6	35.0		85.0						180.6						507.8	
Viewsonic															0.9	18.0					12.9	11.0		48.4		16.0			38.7	8.8		154.7
IBM								20.5	26.4										26.9						55.0					3.1	131.9	
Eizo Nanao					48.0												6.0														54.0	
Philips													171.7								5.0										176.7	
Hitachi						1.1												32.5	3.0							11.7					48.3	
Sharp							37.1								11.0						3.0			35.0							86.1	
Iiyama																							10.8	30.2				9.0	1.3	1.5	52.8	
Gateway									24.6										5.0	7.8	18.0										55.4	
Apple									14.7																						25.0	
Melco															2.0			2.0	6.0		2.0				10.0						22.0	
CMV																						31.0									78.0	
Siemens												17.0		9.8					22.0						27.3		28.5				104.7	
LGE									230.4																						230.4	
Benq														151.9																	151.9	
IO Data															14.8										15.0						29.8	
Lenovo												20.0													58.7		14.0				92.7	
Acer																			53.5		26.9				34.4		2.0		90.1		207.0	
AG Neovo																			16.4											1.0	17.4	
AOC																									52.7						52.7	
Proview/MAG																											95.1				95.1	
Others								14.4	60.1	13.3	91.3	20.0	27.5	82.7	58.5	36.1	44.7	19.1	79.1	17.1	19.7		45.2	122.8	12.8	56.1	31.0	34.8	90.0	106.3	1082.4	
Total	13.8	98.9	48.5	46.0	48.0	1.1	37.1	654.7	460.3	13.3	91.3	20.0	339.7	566.9	159.4	93.7	150.7	132.0	533.3	45.9	77.6	31.0	104.4	907.3	40.5	195.7	31.0	219.6	101.1	111.0	5373.7	

# **EXHIBIT C**



## About TATUNG



[What's New](#) [About TATUNG](#) [Worldwide Offices](#) [Product Overview](#)

### [Organization](#)

#### [Philosophy](#)

#### [History](#)

## Organization

### Major Domestic Subsidiaries

[Chunghwa Picture Tubes Co.](#) Tel: 886-3-3675151  
Fax: 886-3-3629441

[Taiwan Telecommunication Industry Co., Ltd \(TTIC\)](#) Tel: 886-2-25963788  
Fax: 886-2-25991076

Forward Electronics Co. Tel: 886-2-26730411  
Fax: 886-2-26735889

Tatung OTIS Elevator Co. Tel: 886-2-25961151  
Fax: 886-2-25962940

SHANG CHIH CONTAINER TERMINAL CO., LTD Tel: 886-2-24312181  
Fax: 886-2-24318938

[TATUNG PRECISE METER CO., LTD](#) Tel: 886-2-28938482

[Kuender&Co., Ltd](#) Tel: 886-3-4732311~5  
Fax: 886-3-4732316  
4732448

TATUNG TDK CO., LTD Tel: 886-3-4829131  
Fax: 886-3-4829135

TATUNG FANUCROVOTICS CO., LTD Tel: 886-2-25925252#2355  
Fax: 886-2-25984565

TATUNG SM-CYCLO CO., LTD Tel: 886-2-25925252#2583.2584  
Fax: 886-2-25936062

TISNet Technology Inc. Tel: 886-2-25984547  
25984508  
Fax: 886-2-25984467

### [Major Factories](#)

### [Major Overseas Subsidiaries](#)

### [Organization Chart](#)

CRT Tube, LCD

provides IP Videoconferencing (STB), Videophone, Multi-media Payphone, Internet Phone, VoIP gateway, Digital Antenna, and Digital Pair-Gain System.

Wire/Wireless Keyboard, Mouse, MPEG card, Graphic Card

Transporting, loading and unloading cargo, customs clearance container repa

Speedometers, tachometers, fuel-meters, temperature-meters, tank indicators

Plastic injection molding

Soft-ferrite core, video display terminals, electronic devices

Production, sales, installation, and service of robotics for factory automation

Speed reducers, speed variators

Intranet, internet, lease line & dial up, virtual industry network, virtual industry dial-up network, quality & security control, phone & fax transfer, visual display

		meeting, integration of multifunction, e-commerce, virtual host, host lease, home page
TATUNG EMC TECHNOLOGO CO.	Tel:886-2-25925252#2490 Fax:886-2-25859255	
TATUNG OKUMA CO., LTD.	Tel:886-2-26748678 Fax:886-2-26713524	Slide way grinding machines, NC bearing machines, CNC machining centers, double column milling machines, heat treatment equipment
<a href="#">TATUNG ATHERTON CO., LTD.</a>	Tel:886-2-25925252#2280 Fax:886-2-25867996	wines
<a href="#">TATUNG SYSTEM TECHNOLOGIES INC.</a>	Tel:886-2-25915266 Fax:886-2-25957606	
<a href="#">TATUNG CONSUMER PRODUCTS (TAIWAN) CO.,LTD.</a>	Tel:886-2-25925252#2313 Fax:886-2-25984506	
TATUNG COATINGS CO.	Tel:886-3-4830321 Fax:886-3-4838381	Electrodepositing coatings, home appliances coatings, industrial coatings
SHANG CHIH CHEMICAL INDUSTRY CO.	Tel:886-2-25925252	ABS plastic, color dyes
TATUNG CIE CASPING CO., LTD.	Tel:886-2-26736888 Fax:886-2-26722264	j @
TATUNG CHUGAI PRECIOUS METALS CO., LTD.	Tel:886-3-3863111	Contact material, silver soldering bar, silver alloy material, silver panel, silver conductive material
TATUNG FORESTRY AND CONSTRUCTION COMPANY	Tel:886-2-25925252#2460 Fax:886-2-25925252#2318	Civil engineering, architectural design, construction
HSIEH CHIH INDUSTRIAL LIBRARY PUBLISHING CO.	Tel:886-2-25925252#3421 Fax:886-2-25941371	Literary and social sciences books
TATUNG HORTICULTURE CO., LTD.	Tel:886-2-25925252#2458	A variety of trees and flowers
CHUNG HWA ELECTRONIC DEVELOPMENT CO.,	Tel:886-2-25925252#2255	Investment into companies in electronic components and products

LTD.

TATUNG  
ELECTRONICS CO.,  
LTD.

Tel:(886-2-  
25925252#3400

i@

Taipei Industrial Co.

Tel:886-2-22189323

Premixed cement and  
gravel

[SAN CHIH  
SEMICONDUCTOR  
CO., LTD.](#)

Tel:886-2-  
25925252#3386

i@

[FORWARD  
ELECTRONICS LTD.](#)

Tel:886-2-26730411  
Fax:886-2-26735889

TOPPAN CHUNGHWA  
ELECTRONICS CO.,  
LTD.

Tel:886-2-3643300  
Fax:886-2-3649922

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# **EXHIBIT D**

**ORIGINAL**

1

120

IN THE UNITED STATES DISTRICT COURT  
IN AND FOR THE DISTRICT OF DELAWARE

HONEYWELL INTERNATIONAL, INC. : CIVIL ACTIONS  
et al. :

Plaintiffs, : Guardian (34190-23)

v. :

AUDIOVOX COMMUNICATIONS CORP., :  
et al. :

Defendants : NO. [REDACTED] (KAJ)

HONEYWELL INTERNATIONAL, INC. :  
et al. :

Plaintiffs, :

v. :

APPLE COMPUTER, INC., et al., :

Defendants : NO. 04-1338 (KAJ)

OPTREX AMERICA, INC., :

Plaintiff, :

v. :

HONEYWELL INTERNATIONAL, INC., :  
et al. :

Defendants : NO. 04-1536 (KAJ)

Wilmington, Delaware  
Monday, May 16, 2005 at 9:30 a.m.  
STATUS CONFERENCE

BEFORE: HONORABLE KENT A. JORDAN, U.S.D.C.J.

1 on the record?

2 Okay. You know, just taking introductions  
3 demonstrates why this case probably needs some help, so here  
4 is how I intend to hear argument this morning. The first  
5 thing I want to deal with is the Seiko Epson motion to  
6 intervene and so whoever is speaking for Seiko Epson, please  
7 come forward and I'll hear what you have to say and then  
8 I'll hear what the plaintiffs have to say in response,  
9 recognizing that the plaintiffs say, hey, we don't mind if  
10 they intervene just as long as they stay at the back of the  
11 line. So that is what you ought to be focus on.

12 MR. BENSON: Thank you, Your Honor. As you  
13 mentioned, the only argument on behalf of the plaintiff is  
14 that Seiko Epson's intervention be conditioned upon its  
15 customers going to trial first and Seiko Epson essentially  
16 having to wait at the side line and go to trial later.  
17 Seiko Epson is one of the real parties in interest in this  
18 case, is one of the LCD manufacturers.

19 The patent at issue is really directed toward  
20 LCDs and specifically some of the internal features and  
21 structures of those LCDs. As a manufacturer, we're able to,  
22 are prepared to defend the infringement claims against  
23 products that contain those LCDs but our customers do not  
24 have the information that we do concerning the design and  
25 manufacturer of manufacture of those accused components

1 that they simply purchase from us and put those into laptop  
2 computers, cell phones, digital cameras and so forth.

3 And so as the real party in interest, we are, as the  
4 manufacturer, really the party that ought to be going  
5 first or at least at a minimum shouldn't be stayed in  
6 having our customers going to trial first without us.

7 I'm not aware of any cases, your Honor, in which  
8 a manufacturer intervened where its component products were  
9 accused of infringement and then the manufacturer was stayed  
10 either as a condition of intervention or otherwise while its  
11 customers went to trial first. That would be severely  
12 prejudicial both to our customers and to Seiko Epson. The  
13 customers going to trial, not having designed, manufactured  
14 the components accused of infringement, not being in the LCD  
15 technology industry and yet they're left to defend those  
16 products.

17 Seiko Epson would certainly be prejudiced  
18 having to wait on the side lines and go second, given the  
19 possibility of its customers being enjoined from purchasing  
20 the products, the possibility of us having to indemnify  
21 perhaps some of those customers for judgments entered. And  
22 there is simply no precedent or logic to the approach.  
23 There aren't a lot of cases.

24 There is some motions to stay pending, motions  
25 which seek to stay the customers while the manufacturers go

1           Is there something different about on the  
2           discovery would take if you are taking it a year from now as  
3           opposed to now?

4           MR. LUECK: Well, I think there would be some  
5           duplication but I can't a stand here and tell you, Your  
6           Honor, with great accuracy without any discovery exactly how  
7           that would play out.

8           The answer to your question from my standpoint  
9           is this: If we start with the products that we know are  
10          going to be sold in the United States, which is the end  
11          products, that the transactions take place here, and we  
12          try that case, we have corralled the entire scope of the  
13          infringement.

14          If we go with the product manufacturer or the  
15          module manufacturers first, then what we're going to do is  
16          we're going to have some modules that will be included and  
17          some modules that won't. And I think that does lead to a  
18          confusing and duplicative effort. And if the issue is the  
19          complexity of figuring out the infringement for the end  
20          product manufacturers, I'd like to address that for just a  
21          moment, because I don't think that complicates the action.

22          THE COURT: I will hear you on that, but I also  
23          want to hear you a little further. And I'm going to ask  
24          somebody in this group, whoever is speaking in response to  
25          it, to speak to me about the first point you made which was

1 are not manufactured by Nikon, they're OEM by another  
2 defendant. So Nikon is not truly an end product  
3 manufacturer of them.

4 With respect to, just like Dell, last fall I  
5 spoke to Matt Woods, Honeywell counsel, one of the counsel  
6 saying, look, this really is a customer defendant stay  
7 situation. Nikon would like to be out. We'll give the  
8 supplier information and let us go. Well, we gave them the  
9 supplier information but they didn't let us go and we have  
10 been very busy since then trying to orchestrate the  
11 propriety, the setting up of the stay motions.

12 And one thing I tried to do is answer the  
13 Court's anticipated question: What is the percentage of the  
14 market share? It was impossible to try to find out given  
15 the way that Honeywell has asserted its claim against so  
16 many people and so many products, but I can stand here today  
17 and say Nikon is a pure customer defendant and the supplier  
18 is in the courtroom already.

19 THE COURT: I say this with some trepidation.  
20 Is there anybody else who feels like they need to be heard  
21 on the stay motion?

22 Okay. Good enough.

23 Well, I was particularly struck by some language  
24 in one of Honeywell's brief that they had tried to structure  
25 the case to avoid the complications encountered in CEA. And

1 I wasn't all together sure what was meant by that but  
2 putting the best spin on it, I would take it to mean that,  
3 well, you know, we saw the Court struggle there with "who  
4 ought to be first," suppliers or manufacturers and so we  
5 thought we would deal with it by not naming any of the  
6 manufacturers here. Maybe I got you wrong on that but that  
7 is sort of how I understood it.

8 But while I appreciate the effort, it doesn't  
9 solve the problem for me because what I think was  
10 predictable has happened, and that is the people who have a  
11 real stake in terms of keeping their customers happy are the  
12 manufacturers and suppliers, and they have been subject no  
13 doubt to a whole lot of communication from their customers,  
14 including demands for indemnification and third-party  
15 complaints and probably less formal demands and requests.

16 So I feel like I do have a circumstance that  
17 is very akin to the CEA case, whether they brought the  
18 suppliers in in the first instance or not. And that is why  
19 I'm going to structure this case in roughly the same way.  
20 Now, I say "roughly" because, you know, no two cases are  
21 exactly alike, particularly when you have two cases which  
22 are orchestrated on an operatic scale like these two are  
23 with dozens and dozens of defendants, literally.

24 So I'm sure there are things, Mr. Lueck, in your  
25 case that are not going to be like CEA's case, and so I

1 don't want you to be concerned that everything that happens  
2 there, you are going to be in the same mold, because there  
3 may be sound reasons to do things somewhat differently.

4 But I don't think there is a sound reason to  
5 depart from the traditional rule which is in many cases and  
6 has reached a point of being memorialized in the manual on  
7 complex litigation that says you ought to give the people  
8 who are making the accused device face the music, and let  
9 them face it in the first instance, particularly in a case  
10 like this where there is not something else going on where  
11 these people are infringing. They're taking something that  
12 you say infringes and they're putting it into the stuff they  
13 sell. And so settling whether those components infringe,  
14 if we got all the manufacturers in, would settle the thing  
15 entirely. If we don't get them all in, we will have  
16 substantially reduced the universe of litigation that has to  
17 go forward against the -- and I will use the term "end  
18 product manufacturers" for ease of reference, with all due  
19 respect to the folks from Nikon. It's just likely to make  
20 things more manageable in a way that is consistent with the  
21 fair administration of justice.

22 So I'm going to grant some type of stay to the  
23 end product manufacturers but the contours of that are  
24 something that I'm open to discuss within bounds of reason.  
25 In short, I think you made a persuasive case for needing to



1 find out from these people who is supplying what to who and  
2 for what products.

3 And I will let the plaintiffs go after that in  
4 discovery. I'll open that as the first front in your war.  
5 You find out who is doing the manufacturing and supplying  
6 for who and for what products.

7 It may be that down the road, I'll lift the stay  
8 again to some limited extent to allow product's success,  
9 secondary consideration kind of discovery, but that is to me  
10 an issue for another day. Right now, the issue is who does  
11 it make sense for you to get in here first and start suing.

12 Well, you got Optrex who is here saying "I want  
13 in." You got Seiko Epson who is here saying "I want in."  
14 These are my customers and I want to stand behind my product  
15 and make them sue them first because I'm the one who can  
16 tell you whether it's infringing or not.

17 And I am going to grant Seiko Epson's motion  
18 and let them in. And I'm going to grant your motion to  
19 consolidate because this is all one big happy family of  
20 problems now and everybody is going to be in the same case,  
21 and we'll come up with some kind of appropriate consolidated  
22 case caption.

23 And I will give you a generous time period but  
24 not overly generous to figure out who else you want to try  
25 to haul in here on the manufacturers side, and then we'll

# **EXHIBIT E**

## KIRKLAND & ELLIS LLP

AND AFFILIATED PARTNERSHIPS

200 East Randolph Drive  
Chicago, Illinois 60601

Meredith Zinanni  
To Call Writer Directly:  
(312) 861-2010  
mzinanni@kirkland.com

312 861-2000

www.kirkland.com

Facsimile:  
312 861-2200

June 3, 2005

**Via Facsimile**  
(512) 236-3218

Avelyn Marie Ross  
Vinson & Elkins  
2801 Via Fortuna Suite 100  
Austin, TX 78746-7568

Re: *Guardian Industries Corp. v. Dell, Inc. et al.*

Dear Avelyn:

I write in response to your letter of June 1, 2005, regarding the Dell products accused of infringement in the above-referenced case.

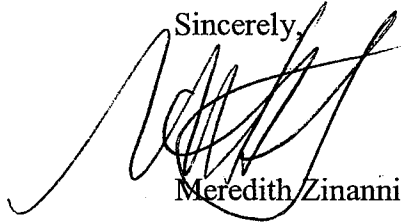
The accused products are non-licensed LCD devices made, sold, offered for sale, or shipped by Dell after October 29, 1996, that include a retardation film. Currently, licensed LCD devices are devices that (a) contain an LCD module manufactured by Chi Mei Optoelectronics, Hitachi, LG Philips, Matsushita, Mitsubishi, NEC Corporation, Samsung, Tottori/Sanyo, Sanyo-Epson Imaging Devices, Sharp, or TMD/Toshiba, or (b) were sold to Dell by ViewSonic, Delta, or NEC-Mitsubishi.

Although the accused devices and the claims of the patents-at-issue are not expressly limited exclusively to Fuji Wide View film, it is Guardian's present understanding that the only retarders used commercially in LCD devices since 1996 have been Fuji Wide View films. If Dell is unable to identify which of its LCD products include retarders, please provide us with: (1) a list of the non-licensed Dell LCD products made, sold, offered for sale, or shipped by Dell after October 29, 1996, including the manufacturer's name(s) and model number(s) of the LCD modules used therein, and (2) a specification sheet for each module or product. With this information, which would be produced during discovery, we will be able to assist you in identifying the accused products. Pursuant to Delaware L.R. 26.2, these specification sheets will be treated as Confidential Attorneys'-Eyes Only.

June 3, 2005  
Page 2

Please let me know if you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to be 'Meredith Zinanni', written over the word 'Sincerely,'.

Meredith Zinanni

MZ/slm

**KIRKLAND & ELLIS LLP**

AND AFFILIATED PARTNERSHIPS

200 East Randolph Drive  
Chicago, Illinois 60601

Meredith Zinanni  
To Call Writer Directly:  
(312) 861-2010  
mzinanni@kirkland.com

312 861-2000

www.kirkland.com

Facsimile:  
312 861-2200

June 3, 2005

**Via Facsimile**  
(302) 652-0607

Sean P. Hayes  
Fish & Richardson P.C.  
919 North Market Street  
Suite 1000  
Wilmington, Delaware 19801

Re: *Guardian Industries Corp. v. Dell, Inc. et al.*

Dear Sean:

I write in response to your letter of May 27, 2005, regarding the Hewlett-Packard ("HP") products accused of infringement in the above-referenced case.

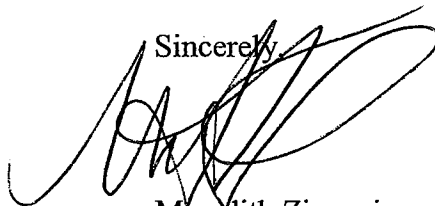
The accused products are non-licensed LCD devices made, sold, offered for sale, or shipped by HP after October 29, 1996, that include a retardation film. Currently, licensed LCD devices are devices that (a) contain an LCD module manufactured by Chi Mei Optoelectronics, Hitachi, LG Philips, Matsushita, Mitsubishi, NEC Corporation, Samsung, Tottori/Sanyo, Sanyo-Epson Imaging Devices, Sharp, or TMD/Toshiba, or (b) were sold to HP by ViewSonic, Delta, or NEC-Mitsubishi.

Although the accused devices and the claims of the patents-at-issue are not expressly limited exclusively to Fuji Wide View film, it is Guardian's present understanding that the only retarders used commercially in LCD devices since 1996 have been Fuji Wide View films. If HP is unable to identify which of its LCD products include retarders, please provide us with: (1) a list of the non-licensed HP LCD products made, sold, offered for sale, or shipped by HP after October 29, 1996, including the manufacturer's name(s) and model number(s) of the LCD modules used therein, and (2) a specification sheet for each module or product. With this information, which would be produced during discovery, we will be able to assist you in identifying the accused products. Pursuant to Delaware L.R. 26.2, these specification sheets will be treated as Confidential Attorneys'-Eyes Only.

June 3, 2005  
Page 2

Please let us know if you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to be 'M. Zinanni', written over the word 'Sincerely,'.

Meredith Zinanni

MZ/slm

## KIRKLAND & ELLIS LLP

AND AFFILIATED PARTNERSHIPS

200 East Randolph Drive  
Chicago, Illinois 60601

Meredith Zinanni  
To Call Writer Directly:  
(312) 861-2010  
mzinanni@kirkland.com

312 861-2000

www.kirkland.com

Facsimile:  
312 861-2200

June 8, 2005

**Via Facsimile**  
(212) 751-4864

Kurt M. Rogers  
Latham & Watkins LLP  
885 Third Avenue  
New York, New York 10022-4834

Re: *Guardian Industries Corp. v. Dell, Inc. et al.*

Dear Kurt:

I write in response to your letter of May 31, 2005, regarding the staying the case and the Gateway products accused of infringement in the above-referenced case.

As discussed during the meet and confer on Tuesday, June 7, 2005, Guardian is aware of the decisions by Judge Jordan in the CEA and Honeywell matters, but we do not believe a stay is appropriate in this case.

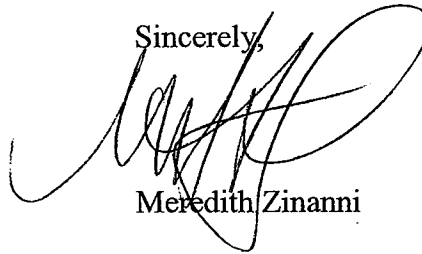
The accused products are non-licensed LCD devices made, sold, offered for sale, or shipped by Gateway after October 29, 1996, that include a retardation film. Currently, licensed LCD devices are devices that (a) contain an LCD module manufactured by AU Optronics, BenQ, Chi Mei Optoelectronics, Hitachi, LG Philips, Matsushita, Mitsubishi, NEC Corporation, Samsung, Tottori/Sanyo, Sanyo-Epson Imaging Devices, Sharp, or TMD/Toshiba, or (b) were sold to Gateway by BenQ, ViewSonic, Delta, or NEC-Mitsubishi.

Although the accused devices and the claims of the patents-at-issue are not expressly limited exclusively to Fuji Wide View film, it is Guardian's present understanding that the only retarders used commercially in LCD devices since 1996 have been Fuji Wide View films. If Gateway is unable to identify which of its LCD products include retarders, please provide us with: (1) a list of the non-licensed Gateway LCD products made, sold, offered for sale, or shipped by Gateway after October 29, 1996, including the manufacturer's name(s) and model number(s) of the LCD modules used therein, and (2) a specification sheet for each module or product. With this information, which would be produced during discovery, we will be able to assist you in identifying the accused products. Pursuant to Delaware L.R. 26.2, these specification sheets will be treated as Confidential Attorneys'-Eyes Only.

June 8, 2005  
Page 2

Please let us know if you have any further questions.

Sincerely,

A handwritten signature in black ink, appearing to be 'MZ', with a large, sweeping loop at the end.

Meredith Zinanni

MZ/slm



# **EXHIBIT F**

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

GUARDIAN INDUSTRIES CORP.,

Plaintiff,

v.

DELL, INC.; GATEWAY, INC.; HEWLETT-PACKARD CO.;  
ACER INC.; ACER AMERICA CORP.;  
AOC INTERNATIONAL; ENVISION PERIPHERALS, INC.;  
TPV TECHNOLOGY, LTD.; TPV INTERNATIONAL (USA),  
INC.; AU OPTRONICS CORP.; AU OPTRONICS  
CORPORATION AMERICA A/K/A AU OPTRONICS  
AMERICA, INC.; BENQ CORP.; BENQ AMERICA CORP.;  
CHUNGHWA PICTURE TUBES, LTD. A/K/A CHUNGHWA  
PICTURE TUBES CO.; TATUNG CO.;  
TATUNG CO. OF AMERICA, INC.; BOE HYDIS  
TECHNOLOGY CO., LTD.; BOE HYDIS AMERICA INC.;  
CHI MEI OPTOELECTRONICS; COMPAL ELECTRONICS,  
INC.; HANNSTAR DISPLAY CORP.; JEAN CO., LTD.;  
LITE-ON TECHNOLOGY CORP.; LITE-ON, INC. A/K/A  
LITEON TRADING USA, INC.; MAG TECHNOLOGY CO.,  
LTD.; MAG TECHNOLOGY USA, INC.; PROVIEW  
INTERNATIONAL HOLDINGS, LTD.; PROVIEW  
TECHNOLOGY, INC.; PROVIEW ELECTRONICS CO., LTD.;  
and QUANTA DISPLAY, INC.

Defendants.

Case No.:  
05-27-SLR

Jury Trial  
Demanded

**DECLARATION OF CRAIG LEAVELL**

I, Craig Leavell, make the following Declaration in support of Guardian's  
Opposition to the Motions to Stay of Dell, Gateway, and Lite-On. I declare and state as  
follows:

1. I am a member in good standing of the bar of the State of Illinois. I am a  
partner with the law firm of Kirkland & Ellis LLP, counsel for Plaintiff Guardian  
Industries Corporation ("Guardian") in the above-referenced matter.

2. I have personal knowledge of all facts set forth in this Declaration, and could testify to these facts if called to do so.

3. I represented Guardian Industries Corp. in *Guardian Industries Corp. v. Samsung Electronics, et al.*, C.A. No. 1:03-cv-00934-SLR (“Guardian I”). In that case, the defendants were initially concerned about the joinder of multiple defendants and the proper order of trial. To address their concerns, the Court’s Scheduling Order included a Status Conference, to be held approximately two months before the trial date. That Status Conference was to address trial management issues, such as whether multiple trials were necessary, and if so, the order of those trials. (D.I. 43 ¶ 11 of C.A. No. 1:03-cv-00934-SLR.)

4. In Guardian I, LCD manufacturing defendants, such as Mitsubishi Electric Corporation, asserted during discovery that they did not know whether LCD modules sold to its OEMs located outside the U.S. were then sold to the U.S. According to Mitsubishi, the only LCD modules that they knew were sold in the U.S. were the small percentage of sales sold directly by Mitsubishi to customers in the U.S.


5. In Guardian I, one reseller, ViewSonic Corporation, did not present its own invalidity and non-infringement positions. Rather, it relied upon the positions taken by Mitsubishi Electric to form its defense.

6. In Guardian I, resellers NEC-Mitsubishi Visual Systems and ViewSonic originally took the position that they could not identify which of their LCD products included Fuji Wide View film. Eventually, either on their own or with help from Guardian, both NEC-Mitsubishi and ViewSonic were able to identify which of their LCD products included Fuji Wide View film.

7. In this case, the parties are currently negotiating a Proposed Scheduling Order to present to the Court. The current draft of the Proposed Scheduling Order includes a Status Conference for addressing trial management issues. No defendant has objected to this provision of the Proposed Scheduling Order.

8. Four of the defendant groups named in this case have already settled the litigation and taken licenses to Guardian's patents: AU Optronics, BenQ Corporation, Chi Mei Optoelectronics, and Delta Electronics.

I declare the foregoing to be true and correct under penalty of perjury under the laws of the United States, and that this Declaration was executed on June 21, 2005, in Chicago, Illinois.

  
\_\_\_\_\_  
Craig Leavell

# **EXHIBIT G**

43

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

RECEIVED

FEB 09 2004

BLANK ROME

GUARDIAN INDUSTRIES CORP.,

Plaintiff,

v.

C.A. No. 03-934-SLR

SAMSUNG ELECTRONICS CO., LTD.,  
SAMSUNG ELECTRONICS AMERICA, INC.  
SAMSUNG INTERNATIONAL, INC.  
SHARP CORPORATION,  
SHARP ELECTRONICS CORPORATION,  
SANYO ELECTRIC COMPANY,  
SANYO NORTH AMERICA CORPORATION,  
TOTTORI SANYO ELECTRIC COMPANY,  
MITSUBISHI ELECTRIC CORPORATION,  
NEC CORPORATION,  
NEC-MITSUBISHI ELECTRIC VISUAL SYSTEMS CORP.,  
NEC-MITSUBISHI ELECTRONICS DISPLAY OF AMERICA,  
and VIEWSONIC CORPORATION,

Defendants.

SCHEDULING ORDER

This 9<sup>th</sup> day of February, 2004, the parties having satisfied their obligations under Fed. R. Civ. P. 26(f), and the Court having conducted a pretrial scheduling conference pursuant to Fed. R. Civ. P. 16 and D. Del. LR 16.2(a) and (b),

IT IS ORDERED that:

1. **Pre-Discovery Disclosures.** The Parties will exchange by February 6, 2004 the information required by Fed. R. Civ. P. 26(a)(1) and D. Del. LR 16.2.

2. **Discovery.**

(a) Discovery will be needed on the following subjects:

At this time Guardian expects it will need discovery to support its claims of infringement, willful infringement, damages, and to rebut defendants' defenses and counterclaims. Guardian's required discovery will include discovery of the defendants, as well as their employees, agents, suppliers and customers, relating to defendants' activities in selling, offering for sale, manufacturing, using, and/or importing LCD products, including allegedly infringing products, as well as their alleged inducement of infringement and contributory infringement.

Defendants each require discovery on a number of issues, including the basis for plaintiff's claim of infringement of the patents in suit ("the Patents"); the basis for plaintiff's claim that the alleged infringement is willful; conception, development and reduction to practice of the alleged inventions claimed in the Patents; any use, sale or offer for sale by the plaintiff or any predecessor in title to the Patents; any knowledge of the plaintiff, the inventors, or any predecessor in title of the plaintiff, of any disclosure, use, sale or offer for sale of the alleged inventions claimed in the Patents; the facts relating to plaintiff's ownership of the patents in suit, including the circumstances under which it purchased the patents; the meaning of the claims of the Patents; documents, products and/or activities that may constitute prior art to the Patents; any facts or evidence which plaintiff may contend constitutes evidence of patentability or non-obviousness of the alleged inventions claimed in the Patents; the scope of description and enablement provided by the disclosures of the Patents; the best mode(s) contemplated by the inventors of carrying out the alleged inventions claimed by the Patents at the time that the applications for the Patents were filed; facts relating to the prosecution of the Patents; facts relating to the enforceability of the Patents; damages claimed by plaintiffs as a result of the

alleged infringement; contacts between Guardian and defendants' present or former employees, agents, suppliers or customers; efforts to license the Patents; royalties received by the plaintiff or any predecessor in title for licensing of the Patents; industry licensing practices for technology that is similar to that of the Patents; marking and notice to the defendants; non-infringing alternatives; and all facts relating to any defenses and counterclaims identified in defendants' answers. Non-party discovery will also be required on some or all of the above issues and facts.

The above lists of subjects are for the Court's planning purposes only and are not necessarily exclusive and will not form the basis for any restriction on subjects on which discovery shall be permitted. The above lists are also not an indication or finding by the Court that any particular discovery is (or is not) relevant or permissible.

(b) All fact discovery shall be commenced in time to be completed by

January 15, 2005.

- (1) Written discovery requests may be served no earlier than February 6, 2004.
- (2) Document production shall be completed on or before June 30, 2004.
- (3) Maximum of 30 interrogatories by each named party to each other named party. If contention interrogatories are exchanged, the party bearing the burden of proof on any issue addressed by said interrogatories shall respond first, the party without the burden shall reply thereafter.
- (4) Maximum of 100 requests for admission by each party to any other party, not including requests directed to the authentication of documents and the proper translations of foreign documents.
- (5) In the absence of agreement among the parties or by order of the Court, no deposition (other than those noticed under Fed. R. Civ. P. 30(b)(6)) shall be scheduled prior to the scheduled date for completion of document production.



- (6) Guardian is limited to 125 hours per defendant group of taking testimony by deposition upon oral examination of fact witnesses. Each group of related defendants is limited to a total of 125 hours of taking testimony by deposition upon oral examination of fact witnesses.

Each fact witness for whom English is their first language shall be made available for only one deposition of up to seven consecutive hours, at which time any party who wants to examine the witness shall do so. Each fact witness for whom English is not their first language shall be made available for only one deposition of up to one-and-one-half consecutive days (10.5 hours total), at which time any party who wants to examine the witness shall do so.

Notwithstanding the foregoing limitations, Mr. Gang Xu and Mr. Adiel Abileah (the named inventors of the patents-in-suit) shall each be made available for depositions of up to three days (21 hours), which shall be consecutive, if possible, subject to modification by the parties for good cause or by the Court, at which time any party who wants to examine the witness shall do so.

The limits on the length of individual depositions may be extended by agreement of the Parties or by the Order of the Court, for good cause shown.

- (7) Only the amount of time that a particular defendant group (or member thereof) spends examining a witness will be charged to that defendant group's total hours for deposition time.
- (8) Each defendant shall advise Guardian by October 31, 2004 whether it intends to reply on advice of counsel in defense to the charge of willfulness.

(c) Expert discovery shall be commenced in time to be completed by

April 15, 2005.

- (1) Expert reports on issues for which the Parties have the burden of proof due February 7, 2005. Rebuttal expert reports due March 7, 2005.
- (2) Each expert deposition is limited to a maximum of 10 hours per expert, unless extended by the parties. Notwithstanding the foregoing, if an expert addresses more than one party,

the deposition of that expert is limited to 21 total hours over three consecutive days unless extended by agreement of the parties. The parties are not permitted to engage in duplicative examination.

- (3) To the extent any objection to expert testimony is made pursuant to the principles announced in Daubert v. Merrell Dow Pharm., Inc., 509 U.S. 579 (1993), it shall be made by motion no later than the deadline for dispositive motions set forth herein, unless otherwise ordered by the Court.

(d) Supplementations under Rule 26(e) shall take place in a timely manner throughout discovery, but at the very least shall be made on August 2, 2004 and December 1, 2004.

(e) Discovery Disputes.

- (1) The Court shall conduct at least two (2) in-person discovery status conferences -- the first on July 28, 2004 at 4:30 p.m., and the second on December 14, 2004 at 4:30 p.m.
- (2) The Court shall remain available to resolve by telephone conference disputes that arise during the course of a deposition and disputes over the terms of a protective order.
- (3) Absent express approval of the court following a discovery conference, no motions pursuant to Fed. R. Civ. P. 37 shall be filed.

(f) **Fact Witnesses to be called at trial**

Within one (1) month following the close of expert discovery, each party shall serve on the other parties a list of each fact witness (including any expert witness who is also expected to give fact testimony), who has previously been disclosed during discovery and that it intends to call at trial. Within one (1) month of receipt of such fact witness list, each party shall serve a list of each rebuttal fact witness that it intends to call at trial. The parties shall have the right to depose any such fact witnesses who have not previously been deposed in this case. Such deposition(s) shall be held within one (1) month after service of the list of rebuttal fact witnesses and each such deposition shall be limited to ten (10) hours by the plaintiff or each group of related defendants, unless extended by agreement of the parties or upon order of the Court upon good cause shown.

3. **Joinder of Other Parties and Amendment of Pleadings.** All motions to join other Parties and amend the pleadings shall be filed on or before June 30, 2004.

4. **Settlement Conference.** Pursuant to 28 U.S.C. § 636, this matter is referred to Magistrate Judge Thyng for the purposes of exploring the possibility of a settlement.

5. **Claim Construction Issue Identification.** If the Court does not find that a limited earlier claim construction would be helpful in resolving the case, on September 15, 2004, the Parties shall exchange a list of those claim term(s)/phrase(s) that they believe need construction and their proposed claim construction of those term(s)/phrase(s). This document will not be filed with the Court. Subsequent to exchanging that list, the parties will meet and confer to prepare a Joint Claim Construction Statement to be submitted pursuant to paragraph 7 below.

6. **Summary Judgment Motions.** All summary judgment motions shall be served and filed with an opening brief on or before April 14, 2005. Briefing shall be pursuant to D. Del. LR 7.1.2. No summary judgment motion may be filed more than ten (10) days before the above date without leave of Court. Oral argument shall be conducted on June 9, 2005 at 3:00 p.m.

7. **Claim Construction.** Issues of claim construction shall be submitted to the Court no later than April 14, 2005, to be considered by the Court in conjunction with the summary judgment motions.

8. **Applications by Motion.** Any application to the Court shall be by written motion filed with the clerk. The Court will not consider applications and requests submitted by letter or in a form other than a motion, absent express approval by the Court.

(a) **Any non-dispositive motion should contain the statement required by D. Del. LR 7.1.1.**

(b) No telephone calls shall be made to chambers.

(c) Any party with an **emergency** matter requiring the assistance of the Court shall e-mail chambers at: slr\_civil@ded.uscourts.gov. The e-mail shall provide a short statement describing the emergency. NO ATTACHMENTS shall be submitted in connection with said e-mails.

9. **Motions *in Limine*.** All motions *in limine* shall be filed on or before October 7, 2005. All responses to said motions shall be filed on or before October 14, 2005.

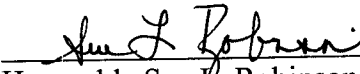
10. **Jury Instructions, *Voir Dire*, and Special Verdict Forms.** Pursuant to Local Rules 47 and 51 the Parties should file proposed *voir dire*, instructions to the jury, and special verdicts and interrogatories three full business days before the final pretrial conference.

11. **Status Conference.** A status conference shall be held on September 14, 2005 at 4:30 p.m. in Courtroom No. 6B, Sixth Floor, Federal Building, 844 King Street, Wilmington, Delaware. During this status conference, the Court will consider how to order the trial of this action.

12. **Pretrial Conference.** A pretrial conference will be held on October 21, 2005, at 1:30 p.m. in courtroom 6B, Sixth Floor, Federal Building, 844 King Street, Wilmington, Delaware. The Federal Rules of Civil Procedure and D. Del. LR 16.4 shall govern the pretrial conference.

13. **Trial.** This matter is scheduled for one or more jury trial(s) commencing on November 7, 2005, in courtroom 6B, Sixth Floor, Federal Building, 844 King Street, Wilmington, Delaware. The Court has tentatively scheduled a total of six weeks, beginning on

November 7, 2005, on its calendar for the trial(s) of this case, but will consider the actual schedule for the trial(s) of this action at the September 14, 2005 status conference. For purposes of completing pretrial preparations, the parties should plan on being allocated a total number of hours in which to present their respective cases.

  
\_\_\_\_\_  
Honorable Sue L. Robinson  
United States District Judge